

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**and**

**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 6574 of 2005**

Between:

T. Udhistira, s/o Late T. Chandro, Hindu,  
O/o Commissioner of Customs, Custom House, Port Area, Visakhapatnam, R/o C.R.  
Quarters, BD Type - II,  
Dabagardens, Visakhapatnam.

**..... PETITIONER**

**AND**

1 Union of India, rep. by its Deputy Secretary

to the Government of India, Ministry of Finance,  
Department of Revenue, New Delhi - 110 001.

2 The Commissioner of Customs, Custom House,  
Port Area, Visakhapatnam - 530 035.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari, calling for the records pertaining to Speaking Order in F.No. 32022/34/2004-Ad.IIIA, dated 1-10-2004 issued by the 1st respondent,

rejecting the case of the petitioner for relaxation of age for the purpose of promotion to the post of Inspector/PO Examiner as confirmed by the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A.No. 1105 of 2004 dated 9.3.2005 and quash the same as illegal, arbitrary, contrary to law and unconstitutional, by holding that the 1st respondent is duty bound to consider the request of the petitioner in respect of age relaxation for the purpose of promotion to the post of Inspector/ PO -Examiner, strictly keeping in view of the circumstances in which the petitioner was appointed i.e., after 20 years of service rendered in Army and also keeping in view of the fact of no other eligible person is available for the existing 15 vacant posts of Inspectors/PO Examiners and pass such order and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.T.SURYA KARAN REDDY**

**Counsel for the Respondents: MR.A.RAJASHEKAR REDDY  
(ASST.SOLICITOR GEN.)**

The Court made the following:

**ORAL ORDER:-** (PER GB,J.)

The Writ Petition is filed challenging the order, dated 09.03.2005, passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.1105 of 2004.

2. The petitioner sought for relaxation of age for being considered for promotion to the post of Inspector/P.O. Examiner. His case was rejected by the department on the ground that it has taken a policy decision not to relax the age. Therefore, he filed

O.A. and the same was dismissed on 09.03.2005, against which the present Writ Petition has been filed.

3. Learned counsel for the petitioner now submits that the Tribunal dismissed the O.A. on the ground that the policy decision cannot be interfered with. He also submits that the Government of India again issued order, dated 16.12.2004, granting relaxation to the Ex-servicemen and one such relaxation was granted to one Mr. A.P.Loganathan for promotion to the grade of Inspector vide F.No.A.32011/44/2004-Ad.IIIA, dated 16.12.2004.

4. Under those circumstances, we are inclined to dispose of the Writ Petition with a direction that the Government shall consider the case of the petitioner for relaxation on the basis of the decision taken by it in respect of the similarly situate person Mr.A.P.Loganathan vide F.No.A.32011/44/2004-Ad.IIIA, dated 16.12.2004. This exercise shall be done within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

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**G. BIKSHAPATHY, J**

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**P.S. NARAYANA, J**

Date: 13.04.2005

**ES/PRV**

NOTE:- Issue C.C. in three days.

B/o.

ES

To

1 The Deputy Secretary to the Government, Union of India,

Ministry of Finance, Department of Revenue, New Delhi - 110 001.

2 The Commissioner of Customs, Custom House,  
Port Area, Visakhapatnam - 530 035.

3 2 CD copies.